

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00008

BRANDON BATTLE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 10, 2014, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Brandon Battle, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black. The defendant commenced a three-year term of supervised release in this action on January 18, 2013, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 9, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant possessed a controlled substance on June 2, 2014, at which time he received written a citation for simple possession of marijuana and for which he was subsequently adjudicated guilty on September 4, 2014, in Dunbar Municipal Court, the defendant having been assessed a fine of \$630; (2) the defendant failed to notify the probation officer within 72 hours of being questioned by law enforcement inasmuch as on February 27, 2014, the Metro Drug Unit conducted a traffic stop on him and his cousin at which time a blunt of marijuana and seven packages of synthetic marijuana were located and the defendant did not report this questioning until May 29, 2014; and (3) the defendant failed to abide by the special condition that he spend a period of one hundred-twenty days at Dismas Charities inasmuch as he entered the facility on July 24, 2014, and was terminated on August 9, 2014, for multiple violations such as general unaccountability and being found in possession of artificial marijuana; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

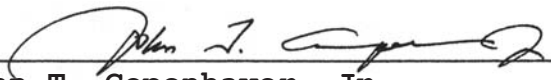
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE (1) DAY, to be followed by a term of thirty-four (34) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he be incarcerated for ten consecutive weekends at the nearest available local facility, as designated by the Bureau of

Prisons, preferably South Central Regional Jail located in Charleston, West Virginia, that is, each weekend period of incarceration will be for forty-eight hours beginning at 6:00 p.m. on Friday, and ending at 6:00 p.m. on Sunday.

The defendant shall surrender for service of the sentence to the institution designated by the Bureau of Prisons as directed by the probation officer.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 19, 2014



John T. Copenhaver, Jr.
United States District Judge